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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,634	07/06/1999	YOUNG SIK YOUN	K-093	5523

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/348,634

Applicant(s)

YOUN, YOUNG SIK

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) 5-7 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is in response to applicant's argument in the appeal brief in which prosecution of the application is reopened. Claims 1-20 are pending, therefore, the office action in the merit is as follows:

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (5,166,929).

As to claim 18, Lo discloses an apparatus "base station 66" comprising: a receiver (base station receiver 66) configured to receive a first signal (reverse mobile to base direction burst 12), wherein the first signal comprising a paging channel (random access burst is considered a paging channel) (column 3, lines 41-62 and figures 1 and 3) and circuitry (66) configured to extract power control information from the received signal (column 6, 17-28).

As to claim 19, Lo discloses a transmitter configured to transmit a second signal (station A) , wherein the power level of the second signal is in accordance of the extracted power control information (base station acknowledge to station A, column 6 lines 17-28 and figures 2C and 3).

As to claim 20, the first and second signals are both radio signals (slots 50 and 72 are radio signals, column 6, lines 24-26 and figure 2C).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, ~~6~~, 8-11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (U.S. patent No. 5,166,929) in view of Tiedemann, Jr." (U.S. patent No. 5,604,730).

As to claims 1, 17, Lo discloses a method for performing a random access in a mobile communication system (abstract) comprising: monitoring at base station of a reverse common cahnnel (column 2 lines 38-54), determining state information of the reverse common channels corresponding to a result of the monitoring using one slot allocated to a forward common channel (column 2, line 55-66, column 3, lines 52-62 and figure 1) and transmitting the state information to respective mobile stations through the forward common channel (column 2 line 67-column 3, line 3, column 3 lines 63-67 and figure 1).

Lo does not expressly disclose transmitting power control information to respective mobile staion. However, Tiedemann teaches transmitting power control information to mobile station (column 13 lines 8-11).

Since Lo, in the same field of endeavor, teaches signal power of the receive signal from the mobile station power compares and signal of lower power is discard (column 6, lines 18-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Lo and Tiedemann, in monitoring power of the receive signals and generate power control, as taught by Tiedemann, in order to provide the power level of burst feedback for adjusting the mobile it's power level.

As to claims 2-3, Lo discloses the slot includes at least two channel information bits and one reservation control bit (figure 1) and bits are repeated with an old number of times (figure 1 and it's disclosure)

As to claim 4, Lo discloses the state information of the reverse common channel corresponding to the result of the monitoring determines one of a plurality of preset state information (FAA field and FM field, figure 1 and it's disclosure).

As to claim, 8, Lo does not expressly teach the base station determines the power control command before a starting point of each slot allocated to the reverse common channel.

However, Tiedemann teaches the base station communicating over a forward channel to a mobile radio to control the power of the mobile radio transmitting over the reverse channel to base staion (abstract).

Since Lo, in the same field of endeavor, teaches signal power of the receive signal from the mobile station power compares and signal of lower power is discard (column 6, lines 18-23). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention was made to combine Lo and Tiedemann, in monitoring power of the receive signals and generate power control, as taught by Tiedemann, in order to command the level of power of the mobile radio in advance before power of the mobile radio wastes and causes interference.

As to claim 9, Lo discloses the base station matches periods of the reverse slots the mobile station uses to forward slots before using the reverse slot (column 4, lines 62-68, column 5, lines 23—51 and figure 2a).

As to claim 10, Lo discloses the base station feed back the state information continuously using a portion of broadcasting channel (column 5, lines 23—51 and figure 2a).

As to claim 11, Lo discloses receiving and analyzing at respective mobile station state information of the reverse common channel (column 6, lines 18-29), and performing at the respective mobile station a random access according to the state information (column 5, lines 23—51 and figure 2a).

As to claim 13, Lo discloses the mobile station does not change the transmission power for the idle state information occurred during performing random access (column 4, lines 14-27).

As to claim 14, Lo discloses determining a state of the reverse common channel through information contained in the next slot (column 5, lines 37-60 and figure 2a).

As to claims 15-16, Lo discloses determining a state of the reverse common channel if the reverse common channel is in a busy state, and the random access is

performed improperly if the reverse common channel is in an idle state (column 1, line 52-column 2, line 3).

***Allowable Subject Matter***

6. Claims 5, 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach busy-down state information representing both a state in which the reverse common channel is in a busy state and a command for reducing a transmission power to the mobile station and busy-up state information representing both a state in which the reverse common channel is in a busy state and a command for boosting a transmission power to the mobile station. These limitations, in conjunction with all limitations of the independent claims have not been disclosed, taught or made obvious over the prior art of record..

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4, 6, 8-11, 13-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamalianen et al (5,802,465) discloses the bit configuration illustrating the full rate channel and control channel FACCH associated the time advance TA and power control are transmitted to these being necessary data for the mobile station (column 13 lines 1-11).

Kay et al (5,357, 513) discloses an adjustment request regarding the power with and the power transmission in response to the request is measured (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

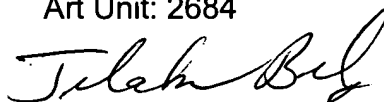
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

November 19, 2003

Art Unit: 2684

  
TILAHUN GESESSE  
PATENT EXAMINER